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 MB EQUIPMENT FINANCE, LLC AND
 MB FINANCIAL BANK, N.A.

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA
 FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
 DISTRICT, dba TULARE REGIONAL
 MEDICAL CENTER,

Debtor.

Taxpayer's Identification No. 94-6002897

Address:
 869 N. Cherry Street
 Tulare, CA 93274

Case No. 17-13797

Chapter 9

DC NO.: AML-1

**STIPULATION RESOLVING IN PART
 AND CONTINUING HEARING IN PART
 WITH RESPECT TO MB EQUIPMENT
 FINANCE, LLC'S AND MB FINANCIAL
 BANK, N.A.'S MOTION: (I) TO
 DETERMINE THE AUTOMATIC STAY IS
 INAPPLICABLE TO PROCEEDINGS
 CONCERNING SEIZED FUNDS; (II) FOR
 ADEQUATE PROTECTION; AND (III)
 FOR RELIEF FROM THE AUTOMATIC
 STAY**

Date: January 4, 2019
 Time: 9:30 a.m.
 Judge: Hon. Renè Lastreto II
 Dept: B
 Place: 2500 Tulare Street
 Fresno, CA 93721
 Courtroom 13

1 IT IS HEREBY STIPULATED AND AGREED by and between Tulare Local Healthcare
2 District dba Tulare Regional Medical Center ("**District**"), Celtic Commercial Finance, a division
3 of MB Equipment Finance, LLC ("**Celtic Finance**"), and MB Financial Bank, N.A. ("**MB**" and
4 collectively with Celtic Finance the "**MB Parties**," and together with the District, the "**Parties**"),
5 by and through counsel, as follows:

6 A. The District filed a voluntary petition for relief under chapter 9 of the Bankruptcy
7 Code on September 30, 2017, before the United States Bankruptcy Court for the Eastern District
8 of California (the "**Bankruptcy Court**"), commencing the above-captioned bankruptcy case (the
9 "**Bankruptcy Case**").

10 B. On December 6, 2018, the MB Parties filed a Motion in the Bankruptcy Case: (i) to
11 Determine Stay is Inapplicable to Proceedings Concerning Seized Funds; (ii) For Adequate
12 Protection; and (iii) For Relief from the Automatic Stay [Docket Nos. 919, 920, 921 and 922, DC
13 NO. AML-1] (the "**Motion**"). Among other things, as part of the Motion, the MB Parties
14 requested an order from the Bankruptcy Court determining that the automatic stay under section
15 362 of the Bankruptcy Code is not applicable to: (a) the evidentiary proceeding presently pending
16 before the Tulare Superior Court to determine ownership of funds seized (the "**Seized Funds**")
17 from Yorai Benzeevi, M.D. pursuant to a search warrant issued by the Tulare County Superior
18 Court; and (b) any efforts by the MB Parties to assert ownership claims in and to recover the
19 Seized Funds, or otherwise terminating the stay as to such issues, all as more thoroughly set for
20 the in the Memorandum of Points and Authorities in Support of the Motion [Docket No. 921].

21 C. The Parties are presently discussing a potential resolution which could resolve the
22 Motion in its entirety. In the interim, however, the District does not oppose the Court granting the
23 MB Parties limited relief from stay such that, to the extent the stay is applicable, the MB Parties
24 shall have immediate relief from the automatic stay to intervene in any proceeding concerning the
25 Seized Funds and also to enforce any rights, remedies, or claims of ownership to the Seized Funds.

26 D. Except for the limited stipulation for relief from stay provided hereby, the Parties
27 have agreed to continue the remainder of the Motion to January 17, 2019, at 9:30 a.m.

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NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

1. Upon the entry of an order approving this Stipulation by the Bankruptcy Court, the automatic stay in the District's bankruptcy case shall be terminated as to the MB Parties to allow the MB Parties to immediately enforce all of their respective rights, remedies, and claims with respect to the Seized Funds, including, but not limited to, seeking to intervene in the underlying proceeding concerning the Seized Funds and seeking to assert any ownership interest in the Seized Funds under applicable law.

2. The foregoing relief from stay shall not constitute a determination by the Bankruptcy Court that, but for the relief granted hereby, the automatic stay would, in any way, otherwise enjoin the MB Parties in the enforcement of their respective rights and remedies with respect to the Seized Funds.

3. The Parties each consent to the waiver of the 14-day stay provided in Bankruptcy Rule 4001(a)(3).

4. Except with respect to the relief from stay granted hereby, the Parties agree to the continuance of the Motion to January 17, 2019, at 9:30 a.m. The District's opposition, if any, is due January 3, 2019, and the MB Parties' reply is due January 10, 2019. Moreover, except for the relief from stay granted hereby, the Parties agree that the Stipulation does not modify any of their respective rights and remedies.

5. This Stipulation may be executed in counterparts, one or more of which may contain facsimile or electronic (in .pdf format) signatures, all of which shall constitute an agreement.

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1 6. The Parties jointly request entry of an order approving this Stipulation and
2 approving its terms.

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4 **IT IS SO STIPULATED:**

5 Dated: December 21, 2018

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
MICHAEL S. GREGER

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8 By: /s/ Michael S. Greger

MICHAEL S. GREGER
Attorneys for Defendants MB EQUIPMENT
FINANCE, LLC AND MB FINANCIAL
BANK, N.A

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11 Dated: December ²¹~~19~~, 2018

WALTER WILHELM LAW GROUP
RILEY C. WALTER

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13
14 By: Riley C. Walter

RILEY C. WALTER
Attorneys for TULARE LOCAL
HEALTHCARE DISTRICT, DBA TULARE
REGIONAL MEDICAL CENTER